



Convention on the
Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Ninth session

SUMMARY RECORD (PARTIAL)* OF THE 210th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 22 May 1995, at 10.30 a.m.

Chairperson: Mrs. BADRAN

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* No summary record was prepared for the rest of the meeting (closed).

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The meeting was called to order at 10.50 a.m.

OPENING OF THE SESSION

1. The CHAIRPERSON declared the session open. The re-election of a number of members represented an expression by States parties of confidence in the Committee which, despite a number of problems, had been able to achieve much of value thanks to the invaluable assistance of the secretariat. However, there was an urgent need for greater support by the Centre to enable the Committee to deal with reports in good time and send representatives to other meetings of relevance to its own work.

STATEMENT BY THE ASSISTANT SECRETARY-GENERAL FOR HUMAN RIGHTS

2. Mr. FALL (Assistant Secretary-General for Human Rights) welcomed the members of the Committee and congratulated those who had been elected or re-elected at the 5th meeting of the States parties held in New York in February 1995. A special tribute was due to Monsignor Bambaren Gastelumendi, whose term had expired at the end of February and who had made an invaluable contribution to the Committee's work.

3. Definite progress was being made towards the goal of universal ratification of the Convention on the Rights of the Child by the end of 1995. That progress had been due largely to the efforts made by the Secretary-General to urge Heads of States which had not yet ratified the Convention to do so before the end of 1995 and to the joint campaign conducted by UNICEF and the High Commissioner for Human Rights. Those efforts appeared to be bearing fruit, since 175 States had already ratified the Convention and there was reason to believe that others would do so in the very near future. Nevertheless, Governments and the various international and non-governmental organizations involved needed to continue their efforts to ensure that the goal of universal ratification would be achieved in 1995.

4. The very widespread support for the Convention was a clear indication of the importance of the Committee's task and of its onerous workload which, by general consensus, it had discharged very effectively. It was with the aim of assisting the Committee in its work that a proposal had recently been drafted by the Government of Costa Rica. The proposal, the text of which would shortly be communicated to States parties, was that a conference of States parties should be held with the aim of increasing the number of members of the Committee to 18.

5. Since the previous session of the Committee, a number of important events of immediate relevance to its activities had taken place. Part of the fifty-first session of the Commission on Human Rights had been devoted to an in-depth discussion on the rights of the child and several resolutions on that subject had been adopted. A summary of the viewpoints expressed by the various delegations and of the contents of the relevant resolutions had been drafted by the secretariat and made available to the members of the Committee, who would find certain aspects of the discussion to be of particular interest.

6. The Commission had called on States parties to collaborate closely with the Committee and recommended that the Committee should pay particular attention to special situations in which children were at risk. The Commission had asked the Secretary-General to transmit to the Committee the report by the working group on a draft optional protocol on that question and invited the Committee to comment on it, so that those comments could be disseminated before the working group's next session. The Commission had also invited the Committee to publicize its comments, and to send a representative to future sessions of that working group and of the inter-sessional working group on a draft optional protocol on the sale of children, child prostitution and child pornography.

7. During the same session, the Commission had adopted a number of other resolutions concerning children, including resolutions on the traffic in women and girls, contemporary forms of slavery and human rights in the administration of justice, especially the rights of children and juveniles in detention. With regard to the latter, the Commission had welcomed the recommendations of the United Nations expert group meeting on children and juveniles in detention held in Vienna during the autumn of 1994.

8. Lastly, in its resolution on the effective implementation of international human rights instruments, the Commission had taken note of the conclusions and recommendations of the fifth meeting of chairpersons of treaty bodies, invited those bodies to continue to identify the possibilities of technical assistance and advisory services for States parties, and asked the High Commissioner for Human Rights to provide such assistance and services at the request of interested States. It was pleasing to report that the High Commissioner had taken steps to institutionalize any meetings on follow-up and coordination of technical assistance and advisory services that might be envisaged in the light of the Committee's observations and recommendations. A preliminary meeting of the various agencies and bodies concerned was scheduled for 15 June 1995, in conjunction with the meeting of the pre-sessional working group for the Committee's tenth session. At the same time, the Commission had asked the High Commissioner to ensure that recent reports and summary records of relevant meetings, as well as the concluding observations of treaty bodies, should be made available to the United Nations information centres in the countries which had presented those reports. The Commission had welcomed the measures taken by the treaty bodies to counter systematic violations of human rights and had requested the High Commissioner to coordinate activities in that area.

9. The World Summit for Social Development, which had taken place in March 1995, had in its Declaration and Programme of Action stressed the indissoluble link between social development and the protection of human rights.

10. The Sub-Commission's Working Group on Contemporary Forms of Slavery had held its twentieth session in Geneva from 19 to 28 April 1995. The Working Group had paid particular attention to the issues of organ trafficking, child labour, the activities of the Special Rapporteur on the sale of children, follow-up to the programme of action on the prevention of the sale of children, child prostitution and child pornography, and incest and the situation of the girl child.

11. The Centre for Human Rights was currently restructuring its programme of work in order to adapt its activities more effectively to the guidelines set out in the Vienna Declaration and Programme of Action. That process would not be completed until all the necessary consultations with the various parties concerned, including the treaty bodies, had taken place. On 20 March 1995, the High Commissioner had addressed a letter on that subject to the Chairperson of the Committee on the Rights of the Child and invited comments from the Committee's members on the restructuring process.

12. With regard to the activities of the other human rights treaty bodies, a significant step had been taken by the Committee on the Elimination of Discrimination against Women during its session in January and February 1995 in requesting the Secretary-General to transfer its secretariat to Geneva and grant it access to the services provided by the Centre for Human Rights. That decision, whose purpose had been to integrate women's rights fully into the United Nations treaty body system, was fully in accordance with the Vienna Declaration and Programme of Action, which had affirmed that the basic rights of women and girls constituted a fundamental aspect of universal human rights.

13. At its forty-sixth session, the Committee on the Elimination of Racial Discrimination had considered reports by Cyprus, Guatemala, Italy, Peru, Romania, Sri Lanka, and Trinidad and Tobago and additional information provided at its request by Bosnia and Herzegovina, Sri Lanka, Croatia and the Federal Republic of Yugoslavia. It had adopted a number of observations on those countries. It had also adopted decisions concerning Algeria, Burundi, the Russian Federation, the former Yugoslav Republic of Macedonia, Mexico, Papua New Guinea and Rwanda. It had accepted the invitation by the Government of Guatemala to send one of its members to visit that country.

14. The Human Rights Committee had held its fifty-third session from 20 March to 7 April in New York. Most of its discussions had been devoted to the consideration and adoption of observations on periodic reports submitted by Argentina, New Zealand, Paraguay, the United States and Yemen. It had also considered a report submitted by Haiti in accordance with a special decision taken at its previous session. It had considered a set of draft general comments relating to article 25 of the International Covenant on Civil and Political Rights (right to take part in the conduct of public affairs), as well as examining a number of communications from individuals.

15. The Committee against Torture had met in Geneva from 24 April to 5 May. It had examined and adopted observations on reports submitted by Italy, Jordan, Mauritius and the Netherlands. It had also examined communications from individuals and had continued its activities under article 20 of the Convention against Torture relating to an inquiry procedure.

16. Finally, the Committee on Economic, Social and Cultural Rights had recently completed its twelfth session. During that session, it had examined reports from Portugal, the Philippines, the Republic of Korea, Sweden and Suriname, as well as a report by two of its members who had undertaken a mission in Panama with a view to promoting the implementation of the right to housing in that country. It had also devoted a day to a general discussion on the interpretation and execution of the obligations of States parties under

the International Covenant on Economic, Social and Cultural Rights and continued its deliberations on a set of draft general comments on elderly persons.

17. It needed to be emphasized that close interaction between the different human rights committees was necessary in order to achieve better coordination and ultimately to create a more fully integrated system for monitoring the implementation of human rights instruments. With that in mind, it was vitally important that each committee should keep itself closely informed of the jurisprudence of the other committees.

18. The Centre for Human Rights would make every endeavour to provide all possible assistance to the Committee in discharging its responsibilities and wished it every success in its deliberations.

19. Mr. HAMMARBERG welcomed the comments made by the Assistant Secretary-General, whose presence gave the Committee a valuable opportunity to learn about the relevant work being done by other bodies. However, while the work done by individuals in the Centre for Human Rights in supporting the Committee's activities had been invaluable, the overall support provided had not been sufficient to enable the Committee to meet its commitments effectively. Its workload was heavy as a result of the very large number of ratifications of the Convention and the high expectations of it held by various NGOs, United Nations agencies and the general public. In addition, the Convention was one of the most complex of the human rights instruments and covered many different aspects of human rights. In view of the importance of the Committee's work, it was essential that adequate support should be provided by the Centre for Human Rights, but regrettably promises made by the Centre regarding the number of posts and the services to be made available had been only partially fulfilled. Proposals made during previous sessions concerning possible increases in services had been circulated among some Governments, but there had as yet been no word of any results.

20. Mrs. SANTOS PAIS said that the information given by the Assistant Secretary-General had been very valuable and his statement had in general been very encouraging. It was to be hoped that more specific action would result during the session.

21. Two points highlighted in his statement were of particular concern to the Committee. On the matter of the technical assistance and advisory services provided by the Centre for Human Rights, the Committee invested considerable hope in the meeting scheduled for 15 June, which would for the first time establish an institutional framework for follow-up to recommendations made by treaty bodies. The Committee had always attached great importance to that question and for that reason had published regular tables which could be used, inter alia, to assess what follow-up was needed, what the effect of previous follow-up activities had been and whether the Committee needed to reconsider a particular decision. The timing of the meeting was especially advantageous since the Committee would still be in session and could therefore be represented at the meeting. It would follow another meeting between the Committee and the specialized agencies and other United Nations bodies, which would provide a useful opportunity to do the necessary groundwork. It was particularly important that the Committee's meetings, especially its

pre-sessional meetings, should be attended by a representative of the Advisory Services, Technical Assistance and Information Branch, since he or she might be able to help the Committee gain a better idea of the specific contribution it could make to improving the situation in a particular country. Similarly, the Committee would be greatly assisted by the presence of a representative of that Branch at its meeting with the specialized agencies.

22. Secondly, the proposed integration of women's rights within the overall human rights system was a perfectly natural and necessary step, but further efforts would be needed to make it a reality. The rights of the girl child also needed to be brought fully within the general human rights sphere, and the Committee would need to continue stressing the fundamental nature of those rights within the overall human rights context. With that in mind, the Committee should ensure that it was adequately represented at the World Conference on Women to be held in Beijing. It was regrettable that the Committee had not been represented at the World Summit for Social Development. She hoped that consideration would be given to increasing the number of members on the Committee in order to ensure its adequate representation in Beijing.

23. Mr. MOMBESHORA thanked Mr. Fall for his statement and said that the success of the Committee depended on the support of the Centre for Human Rights and Mr. Fall himself. The Committee had enjoyed a good relationship with the NGOs and United Nations agencies. He nevertheless wished to address the problem of the non-representation of certain United Nations agencies. The previous year, the representative of the International Monetary Fund (IMF) had expressed surprise when the Committee had expressed regret at the absence of representatives of the World Bank and IMF. The Committee felt it would be useful for those institutions to be represented when countries which were undergoing structural adjustment explained the difficulties they were encountering in implementing the Convention. He hoped that the Committee's views on the matter would be transmitted to the two institutions.

24. He welcomed the idea of an increase in the Committee's membership to 18, in view of the considerable workload before the Committee and the time-lag between the submission of reports by States parties and their appearance before the Committee.

25. Commission on Human Rights resolutions were of great interest to the Committee, which should accordingly be represented at meetings of the Commission. Representatives could submit the Committee's views for consideration and thus facilitate the Commission's work.

26. Mr. FALL (Assistant Secretary-General for Human Rights) thanked the Chairman and the other members of the Committee for their comments and suggestions. The Centre had often found itself in a difficult situation. On the one hand, it expected member States to devote more resources to assisting the Committee; it was, in fact, convinced of the need for substantial resources, without which its programme would be hampered. On the other hand, in spite of the support of member States in bodies such as the Commission on Human Rights and the Third Committee of the General Assembly, in the Fifth Committee the suggestion was often made that the United Nations should implement a zero per cent growth policy for the overall budget.

That was the reason why the Centre could not take adequate action on the Committee's concern about resources. He would convey that concern to the High Commissioner for Human Rights and the Secretary-General.

27. He suggested that the human rights secretariat and the members of the Committee should try to impress upon Member States, during the General Assembly, the need for additional resources to be made available. From what he had seen of the budget estimates for 1996/97, he had no expectations of increased resources. Consequently, in the case of some conferences, such as the World Summit for Social Development, the Centre had had to explain that there was no budgetary provision for the representation of certain Committees. Such decision were not taken at the secretariat level. Everything in the United Nations was planned far in advance and it was not possible to take action which had not been provided for. He gave the example of an official visit planned by the Rapporteur of the Committee on the Elimination of Racial Discrimination. All arrangements had been made for the Rapporteur to meet representatives of the Government and several NGOs of the country in question. On the eve of his departure, the Rapporteur had been told that there were no resources for the visit and the visit had therefore had to be cancelled.

28. The Centre for Human Rights had been able to support the Committee through the creation of a specialized unit. One staff member had been recruited on an interim basis but the process of selecting a longer-term incumbent had not yet been completed. The United Nations Personnel Service at Geneva had reported that it had received 133 applications for the post. It was hoped that within a few months the selection would be made, thereby assisting the work of the Committee. He was convinced that more needed to be done for the normal support of the Committee's work, taking into account the expected universal ratification of the Convention on the Rights of the Child and the consequent increase in the volume of reports to be studied.

29. The Committee's meeting scheduled for 15 June had been planned with due consideration for its overall schedule of meetings and in conjunction with the United Nations agencies; the meeting would be the final stage in a process of consultation.

30. The integration of the rights of girl children in the mainstream of the human rights system was under consideration. The decisions of the Commission on Human Rights had illustrated the urgent need to ensure such integration.

31. The CHAIRPERSON said that the Committee had noted Mr. Fall's comments on the problem of resources and on the need for the Committee to plan its activities well in advance.

32. Mr. HAMMARBERG said that for the Committee to meet every three to four months to discuss the lack of resources was counter-productive. It should try to break the cycle by deciding more precisely what it needed. It should accordingly make an annotated list which it would discuss informally with Mr. Fall at the end of the session. In conveying its sentiments to the Secretary-General, it would be more meaningful for the Committee to make clear proposals concerning its needs.

33. Mr. FALL (Assistant Secretary-General for Human Rights) said he agreed with that suggestion; he would be available to meet the Committee after the session. He was confident that the Secretary-General, as a professor of international law and an advocate of human rights, would support the Centre for Human Rights and the Committee. The support of the Secretary-General was beyond question because, without his assistance, the few resources that existed would not have been made available. He reiterated his earlier suggestion that the Committee, through the Member States, should make Governments aware of its financial situation. Governments should take a united stand in saying that significantly increased resources for the Committee were indispensable.

ADOPTION OF THE AGENDA (agenda item 1) (CRC/C/42)

34. The provisional agenda (CRC/C/42) was adopted.

SOLEMN DECLARATION BY THE NEWLY ELECTED MEMBERS OF THE COMMITTEE
(agenda item 2)

35. The CHAIRPERSON invited Mrs. BELEMBAGO, Mr. HAMMARBERG, Mrs. KARP, Mr. KOLOSOV and Miss MASON to make solemn declarations in accordance with rule 15 of the provisional rules of procedure.

36. Mrs. BELEMBAGO, Mr. HAMMARBERG, Mrs. KARP, Mr. KOLOSOV and Miss MASON made the following declaration: "I solemnly declare that I will perform my duties and exercise my powers as a member of the Committee on the Rights of the Child honourably, faithfully, impartially and conscientiously."

37. Mrs. KARP expressed thanks to those who had elected her to the Committee; she hoped she would live up to their expectations.

38. The CHAIRPERSON welcomed Mrs. Karp to the Committee.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 3)

39. The CHAIRPERSON invited the Secretary of the Committee to provide information on reports submitted to the Committee since the previous session.

40. Mrs. RAADI-AZARACHI (Secretary) said that two new reports, from China and Nepal, had been submitted. There had been a total of 59 reports, including 4 which the Committee had asked to be revised. Out of the total of 59, 32 had already been considered. The total due as of May 1995 was 137; out of that number 78 were overdue.

41. The CHAIRPERSON thanked the Secretary for the update and said that the Committee would now go into closed session.

The public part of the meeting rose at 11.50 a.m.